



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/672,635

09/26/2003

David G. Boyer

502084-A-01-US (Boyer)

8094

7590

03/28/2005

Ryan, Mason & Lewis, LLP
Suite 205
1300 Post Road
Fairfield, CT 06824

EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,635

Applicant(s)

BOYER ET AL

Examiner

Anh V La

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Staples (US 5,889,845).

Regarding claim 1, Staples discloses a method for determining a presence status of a user comprising obtaining 106 presence information from a plurality of presence data stores (column 4, lines 55-67), translating the presence information from at least one of the presence data stores into a standard format, and determining the presence status of the user based on the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 13, Staples discloses a method for determining a presence status of a user comprising obtaining 106 presence information from a plurality of presence data stores (column 4, lines 55-67), and determining the presence status of the user based on one or more rules that are applied to the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 18, Staples discloses a system for determining a presence status of a user comprising a memory 344, at least one processor 346 to obtain presence information from a plurality of presence data stores (column 4, lines 55-67), translate the presence information from at least one of the presence data stores into a

Art Unit: 2636

standard format, and determine the presence status of the user based on the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 23, Staples discloses a system for determining a presence status of a user comprising a memory 344, at least one processor 346 to obtain presence information from a plurality of presence data stores (column 4, lines 55-67), translate the presence information from at least one of the presence data stores into a standard format, and determine the presence status of the user based on one or more rules that are applied to the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 2 and 19, Staples discloses the presence status indicating if the user can be reached at one or more indicated devices (the corporate office).

Regarding claim 3, Staples discloses a user registration process (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 4, Staples discloses observing activities of a user (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 5, Staples discloses a presence data collector (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 6, 14, and 20, Staples discloses querying a presence data store for the presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 7, 15, and 21, Staples discloses receiving message containing the presence information from a presence data store (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 8, 16, and 24, Staples discloses one or more rules that aggregate the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 9, 17, and 25, Staples discloses one or more rules that filter the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 10 and 22, Staples discloses a format appropriate for recipient application and providing the presence status to the recipient application (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 11, Staples discloses the presence data store being a device (col. 4, lines 55-67).

Regarding claim 12, Staples discloses the presence data store being an application (col. 4, lines 55-67).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McKendry and Bartle teach presence determining systems.

Art Unit: 2636

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
March 05, 2005